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 GENOCIDE

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The greatest challenge for understanding genocide is that, while there is almost universal revulsion today at what the term is presumed to encapsulate – mass killing and group-annihilation – there is in fact no consensus over the definition of what acts are covered, which groups are protected, nor of what causes it. While there are theoretically informed studies of particular genocides, or certain patterns of genocide, a comprehensive theory, which applies to all genocides in all periods of history and across all regimes and cultures in which they have occurred, remains elusive. In the absence of a coherent theory of genocide, the possibility of plausible prediction is wanting. According to some analysts there has been an average of almost one case of genocide per year since 1945 (Harff and Gurr, 1988 and 1996: though it should be noted that their dataset also includes what they term "politicides"). Academic scholarship on genocide has grown immensely in response to the Holocaust, post-colonial conflicts, and civil wars in developing countries. Yet, until the Yugoslavian civil wars of the early 1990s the international community was reluctant to even attribute the word genocide to any particular conflict, and generally prefers to use, as in the case of Rwanda, the more diluted term "acts of genocide".

There are, broadly, two main areas of contention in the question of genocide. Firstly, there is a lack of agreement over the very definition of the term, and even whether this matters for how perpetrators should be dealt with. Secondly, scholars are divided over the extent to which genocide is strictly a phenomenon of the modern era and linked to modern state-building, or is a recurrent feature of human history. Clearly, the capacity of the modern-state to engage in genocide has grown exponentially, yet how one interprets the modernity of genocide itself will shape the identification of the principal causes of genocide. This is

perhaps the most vigorously disputed arena - between those who seek to find the drivers of genocide in historical events, ancestral hatreds, racism and other extremist ideologies, radical leaders and crisis contingencies; and those who stress the role of social structural determinants such as plural societies, uneven power relations, group competition and materialist grievances.

Definitions

The term "genocide" was coined by Polish legal scholar Raphael Lemkin in 1943 (Lemkin 1944), but as early as 1933 he had formulated the concept, proposing that a new crime of "barbarity" under international law be created to cover acts that included, among others, "acts of extermination" directed against "ethnic, religious or social collectivities whatever the motive (political, religious, etc.)". Lemkin's conceptualization developed prior to the Holocaust. The most important sources of inspiration for his thinking were historical genocides, from the more recent - the genocide and deportation of Armenians by Turks from the Ottoman Empire in 1915 and after – to earlier patterns of European colonization and colonial genocides. Lemkins' concern with genocide was intellectually grounded in his study of international law and the concept of universal human rights, both of which developed largely from philosophical and legal debates that began in the Sixteenth century over the legitimacy and conduct of European colonization. By the time he wrote *Axis Rule* in 1944 the European present, in the form of Nazi extermination policies, had caught up with its genocidal past. Nevertheless, there was a lack of clarity in Lemkin's original conceptualization of genocide, for he did not distinguish it sufficiently from other forms of mass violence but rather understood it as incorporating "massacres, pogroms, actions undertaken to ruin the economic existence of the members of a collectivity". He was the first, nevertheless, to stress the "existential" threat posed to a "collectivity" by genocide as opposed to other kinds of mass atrocities (Lemkin, 1933). Today, genocide is most frequently associated with the extermination of the Jews by the Nazis during World War Two – a genocide that is by far the most studied and commemorialized, including a "Holocaust Remembrance Day" held annually on 27 January (the date of liberation of Auschwitz-

Birkenau extermination camp by Soviet troops) – a date first commemorated in Germany from 1995 but established as an international commemoration by the UN in 2005.

Despite the Holocaust, embedding the concept of "genocide" in international law after World War Two was problematical due to a lack of consensus on its meaning and application. The Convention on the Prevention and Punishment of Genocide was passed by the UN General Assembly in December 1948 and became international law in 1951. The term was not employed in the Charter of the International Military Tribunal established by the Allies under the London Agreement of 8 August 1945. There were several references to acts of "extermination" including "on political, racial or religious grounds", mostly but not solely in reference to persecution of Jews, and they were subsumed within the category of "crimes against humanity" (Nuremburg Trial Proceedings, 1945a). However, somewhat confusingly, the term "genocide" was mentioned once in the Indictment at the Nuremberg Trials, and that was actually under count three – "War Crimes", rather than count four "Crimes against Humanity". The Indictment against leading Nazi officials charged that they "conducted deliberate and systematic genocide, viz., the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular races and classes of people and national, racial, or religious groups, particularly Jews, Poles, and Gypsies and others" (Nuremburg Trial Proceedings, 1945b). The Nuremburg trials therefore employed the concept before it was actually specified as a crime under international law, but also narrowly framed it as a crime perpetrated by states and their agents in time of war.

Lemkin aimed for a more expansive conceptualization of genocide that did not limit it to a crime of inter-state war, and made it a crime of international concern. His ideas were more fully, though not comprehensively, embodied in the process leading to the Convention in 1946-8. Trygve Lie, the Secretary-General of the UN, invited Lemkin along with two other highly reputed jurists – Donnedieu de Vabres of France and Vespasin Pella of Romania – to prepare a draft convention. Lemkin's core ideas that genocide posed an "existential" threat to a group, and generally assumed three main forms (physical, biological, and cultural destruction) were retained in the Convention. However, one of the most contentious issues in the framing of the Convention was the nature of the groups to be covered by it. Resolution 96

(1) of the United Nations General Assembly of 11 December 1946 on "The Crime of Genocide" referred to "racial, religious, political and other groups" (United Nations, 1946). The last category was too unrefined and was dropped in subsequent discussions and drafts. The draft prepared by Lemkin et al. for the Secretary-General in 1947 limited the range of groups protected to "racial, national, linguistic, religious or political groups of human beings" (United Nations, 1947). This limitation was even further diluted in the final convention. Article II of the Convention defined "genocide" as "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such". Acts covered included: "a) killing members of the group; b) causing serious bodily or mental harm to members of the group; c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; d) Imposing measures intended to prevent births within the group; e) Forcibly transferring children of the group to another group"(United Nations, 1948). Lemkin's notion that genocide included the extermination of "social collectivities" was dropped, for this was seen as a euphemism for "class war" by the USSR. The Nuremburg Trials' inclusion of "political" groups in the crime of "extermination" was also abandoned. The Stalinist regime of the Soviet Union had conducted in the early 1930s one of the worst (in numerical terms) genocides in history by its extermination of "kulaks" (nominally "wealthy peasants"), which included the *Holodomor* famine genocide in Ukraine (Conquest, 1987). Due to the USSR's opposition to the inclusion of "political" groups as a protected category, and to secure the passing of the Convention at the General Assembly, its framers settled on a narrow definition of the groups covered and thereby intentionally excluded not only political, but also cultural linguistic and socio-economic groups (Whitaker Report, 1985). It also excluded other groups that had been subjects of genocide by the Nazis such as the disabled (the first social category to be actually captured by a Nazi state programme of extermination), and homosexuals. The Holodomor genocide is an example of the paradoxical politicization of genocide that has been shaped by the narrow framing of the definition in the Convention. The Ukrainian peasantry was not specifically or disproportionally targeted by Stalinist dekulakization, which ravaged the Soviet peasantry in general, but the exclusion of political and social groups from the definition reenforced Ukrainian claimants' construction of these historical events as a genocide in national and ethnic terms, rather than within the frame of social class.

Because the crime of genocide was not part of international law prior to 1945, trials of former Nazi officials and collaborators post-Nuremburg have usually involved charges of "crimes against humanity" with no mention of "genocide". This was the case, for example, in the most prominent of the post-Nuremburg trials of Nazis, the case of Adolf Eichmann in Israel in 1961. Eichmann's fifteen count indictment cited "physical extermination of the Jews" among other "crimes against humanity" (The Trial of Adolf Eichmann, 1961). The Genocide Convention envisaged prosecution by the national courts of the territory where the crime took place, and by an international criminal court, not universal jurisdiction. For some law scholars the Eichmann trial was part of the positive process of creating an international legal architecture based on "Cosmopolitan" (aka Western Liberal) norms – a process that was accelerated by judicial activism on crimes against humanity, war crimes and genocide during the 1990s (Benhabib, 2005). Such interpretations are based on a poor historical understanding of the post-World War Two era and ignore the seminal work on genocide provided by scholars such as Leo Kuper. It was Kuper's series of studies in the 1980s that drew attention to the failure of the international community to prevent and punish genocide (Kuper, 1981, 1982, 1985). Kuper highlighted the perverse ironies inherent in the international treatment of genocide: the Convention stipulated that genocidal states were expected to prosecute themselves, and no international tribunal or court had been set up as a guardian to the Convention; and the United Nations system itself protected perpetrators because, as he put it: "the sovereign territorial state claims, as an integral part of its sovereignty, the right to commit genocide, or engage in genocidal massacres, against peoples under its rule, and that the United Nations, for all practical purposes, defends this right" (Kuper, 1982: 161).

Recommendations made by Kuper and others for strengthening international jurisdiction, the Convention, and preventing genocide made little progress during the Cold War. Even internal UN reports were largely ignored. In 1985 the report of the United Nation's Special Rapporteur on genocide – the so-called "Whitaker Report" – suggested that "considerations of both of proportionate scale and of total numbers are relevant" in determining acts of genocide, and recommended that "political" and "sexual" groups be included among those specifically protected by the Convention. Given the weakness of international and domestic action many, like Kuper, turned their energies to developing Nongovernmental organizations (NGOs) which could monitor conflict, raise media and public awareness, act as an early warning system, and pressure states and international organizations such as the UN to act

(there are by now a number of such advocacy organizations, most notably in the case of Genocide is Genocide Watch http://www.genocidewatch.org/) . The idea of forceful international action to constrain genocide within states informed the development of the concept of "humanitarian intervention" by the UN or states in concert or alone, but as we shall discuss later, this idea only became salient in international politics after the Cold War had ended.

Cold War politics heavily militated against not only a wider definition of the crime but also its prosecution through universal jurisdiction. Acts of genocide, including several involving hundreds of thousands of victims, such as those against political opponents (the murder of some half million "communists" by the Indonesian military in 1966-5), against declared "class enemies" (the deaths of some 1.7 million Cambodians by starvation, overwork, untreated illness, or execution during the Khmer Rouge regime in 1975-9); against ethnic groups (the Tutsi genocide of hundreds of thousands of Hutus in Burundi in 1972; the Guatemalan military campaigns of extermination of at least two hundred thousand indigenous Maya in 1982) went unpunished. Cold War politics meant that the superpowers and great powers that dominated the international system, whatever the political orientation of their regime, often connived in the mass atrocities of proxy wars. After World War Two, for example, the ideology of "counter-communism" led the United States to attempt to forcibly resist the spread of hostile "communist" regimes, first in North Korea in the early 1950s, and then in Vietnam in the 1960s and early 1970s. In his later years Robert McNamara, US Defense Secretary during the Vietnam War, recoiled at the 3.2 million Vietnam dead (excluding South Vietnamese military) and the near genocidal policies of the US: "we were trying to do something that was militarily impossible--we were trying to break the will; I don't think we can break the will by bombing short of genocide." (McNamara, 1995). US paranoia about a "domino-effect" in the spread of communism in South East Asia led it to supporting a number of genocidal regimes in the region, notably Indonesia's military rulers, who having exterminated their communist opposition in the mid-1960s, massacred some 300,000 East Timorese seeking an independent state after Portuguese decolonization in 1975. With US and China's backing the followers of Pol Pot's genocidal Khmer Rouge regime continued to hold the Cambodian seat at the United Nations long after they had been ousted from power by a Vietnamese military intervention in 1979 (much criticized in the West). The USA, Australia and all other Western nations refused aid, trade and diplomatic relations with

the new anti-genocidal Vietnamese-supported Cambodian regime, and the UN even imposed sanctions on it. The international community did not act when Saddam Hussein's regime in Iraq perpetrated genocide against the Kurds in the "Anfal" campaigns culminating in 1988, which included the use of chemical weapons against civilian areas (Human Rights Watch, 1993), but only intervened when he attacked oil-rich Kuwait. The many examples of hypocrisy in the international community highlighted by Kuper and other genocide scholars were despite the duty imposed by Article I of the Convention on its contracting states "to prevent and to punish" the crime.

As these cases, and others, demonstrate during the Cold War the USA, USSR, China and their allies tended to be indifferent to genocidal acts perpetrated by regimes and governments that were considered to be allies, partners or of strategic importance. After the Cold War, however, some of these genocides were more widely recognized, notably that in Cambodia. Here lies a contradiction, for having refused to prevent or prosecute the genocide in Cambodia during the Cold War, the US was at the forefront of attempts to institute international criminal proceedings against Pol Pot when he was ousted from the Khmer Rouge leadership in 1997. Yet, the domestic parties in Cambodia had reached a peace agreement to end civil war in 1991 that specifically excluded war crimes trials of Khmer Rouge leaders, and former Khmer Rouge foreign minister Ieng Sary was even pardoned in 1996. An agreement in 1997 between the government of Cambodia and the UN led to the establishment of a special court in Cambodia (mostly funded by the UN, and with some international representation among the judges) to try those former Khmer Rouge leaders guilty of crimes against humanity, genocide and other crimes. Almost ten years later, in 2007, under pressure from the UN, Cambodia began the prosecution of a small group of five senior Khmer Rouge leaders, including Ieng Sary, but the indictments give prominence to various crimes against humanity, and downplayed genocide (Cambodia, 2007). These trials were concluded by 2014, with only three convicted and sentenced to life terms of imprisonment (Ieng Sary died, and his wife was found mentally unfit to stand trial). A legitimate question is whether the prosecution of these five individuals served any positive purpose? Advocates believe that such trials are an important step against impunity – a salient factor in the new international norm of "transitional justice" that emerged in the 1990s – as well as being a forum for disseminating knowledge about Khmer Rouge crimes. But the trials arguably have also done more political harm than good by destabilizing some of the fundamental political

compromises undertaken internally to end the Cambodian civil war, and demonstrating the messy interface between domestic and international jurisdiction in the pursuit of genocidists.

After the fall of communism, despite the new openness for action in the international system, states remained unwilling to fulfill their duties under Article I as evidenced by the failure to intervene in a timely manner to prevent genocides in Rwanda (1994) and former Yugoslavia (1992-6). The changed international climate did, nevertheless, create opportunities for a new international judicial activism against perpetrators of war crimes, crimes against humanity and genocide. Since the early 1990s, national courts, whether of the territory where genocide was committed or elsewhere, and the ad hoc international tribunals created by the Security Council, such as the International Criminal Tribunal for Rwanda (ICTR), and the International Criminal Tribunal for the Former Yugoslavia (ICTY) have proactively interpreted Article VI of the Convention as permissive of universal jurisdiction despite the article's explicit wording. The conceptualization of the crime of genocide, however, became confused with other forms of mass intimidation and violence in the expulsion and transfer of populations during warfare, whether inter-state or intra-state. This may be illustrated by the term "ethnic cleansing". This term first came into wide currency as a result of the conduct of civil war in Bosnia-Herzegovina from 1992-6. The term, a translation from the Serbo-Croat term '*etničko čišćenje*' is derived from the communist party's sense of 'purge', and in practice covered a spectrum of actions from non-violent administrative intimidation, discrimination and punishment, to violent expulsion and mass murder, and thus is of doubtful value in assessing genocide (Bell-Fialkoff, 1993; Petrovic, 1994). Nevertheless, the powerful rhetorical critique resonating from this vague term led to its wide employment by diplomats, politicians and especially journalists to indicate policies aimed at the "ethnic" purification of territory. UN General Assembly Resolution 47/121 of 18 December 1992 is very explicit in its paragraph 9 of the Preamble, declaring that: "(...) the abhorrent policy of 'ethnic cleansing' (which) is a form of genocide".

According to the convention, genocide must involve "physical" destruction of a group "in whole or in part". Forced transfer and expulsion of populations, however brutal, generally falls short of a true definition of genocide, as do massacres and other mass atrocities. The key question is whether there is a specific intent, what in legal jargon is termed *dolus specialis*,

present. Is there intention to destroy a group "as such", and what does this mean. "Death marches" of expelled populations have been a key feature of many historical cases of genocide, such as the Armenians, the Jews, and Cambodians. Generally, however, ethnic cleansing and mass atrocities lack the intention of physical destruction of the group. From an analytical, as opposed to legal, perspective the question in each context must be whether ethnic cleansing is on a spectrum where it may be a precursor to, signal of, or precipitant of genocide. Great episodes of ethnic cleansing in the 20th century illustrate how the definition of what is "ethnic" cleansing becomes blurred, and the linkage between ethnic cleansing and genocide is far from clear-cut. Some transfers were state administered cooperatively, or were conducted by Great Power agreement with the support of the international community of the day. The Greek-Turkish transfers of population agreed in the convention of Lausanne (1923) involved over two million persons, and fused religious with national identity. The target groups for ethnic cleansing in this case were nominally religious groups ("Muslims" and "Greek Orthodox"), not ethnic. The Potsdam Agreement between the USSR, USA, and Great Britain in August 1945 to manage postwar Germany and Eastern Europe, determined that "the transfer to Germany of German populations, or elements thereof, remaining in Poland, Czechoslovakia and Hungary, will have to be undertaken" (Potsdam, 1945). Over twelve million persons were affected and, according to German government figures, between two and two and a half million persons died in what was declared by the Allies to be an "orderly and humane" process. Some forced transfers and expulsions of populations resonate with genocidal intent even if large scale physical destruction of the target group is absent in practice, as in the cases of the *Nakhba*, the forced expulsion and flight of some 700,000 Palestinians under the Jewish armed forces "Dalet Plan" during the 1948 war (Morris, 2003); and in the Bosnian civil war, over two million persons were displaced, the bulk of whom were Bosnian Muslims and Bosnian Croats forcibly displaced by Serb armed violence. A recent International Court of Justice judgement in relation to the war between Croatia and Serbia in 1991-1995, rejected a claim and counter claim of genocide by these states, because of the absence of proofs of specific intent, but did find that both states had committed "acts of genocide" under article II of the Convention (International Court of Justice, 2015).

Since the early 1990s, tension has arisen between the judicial activism of United Nation's courts and national courts, with the former attempting to provide rigorous and substantive judgments against perpetrators of genocide and other crimes against international

humanitarian law, while the latter tend to make superficial and lightweight claims to "customary international law" (Schabas, 2003). Universal jurisdiction has in fact involved few genocide prosecutions. Obstacles to prosecution are not just political, but include not least the problem of proving intent to destroy a group "as such". Outside of the United Nation's courts, such as the ad hoc tribunals on Former Yugoslavia and Rwanda, the special court on Sierra Leone and the special tribunal on Cambodia, the small number of prosecutions by states suggests that such trials are more symbolic and political in intent rather than serious efforts to prosecute perpetrators and thus deter the crime. National courts in Rwanda, Bosnia and Herzegovina, Croatia and Kosovo have also held trials based on the provisions of the Convention. Several European states have prosecuted the government ministers, military officers and individuals of other states for genocides (notably, Germany in cases relating to Bosnia and Herzegovina, and Belgium in cases relating to Rwanda).

The Rwanda case illustrates many of the problems inherent in prosecuting the crime of genocide. This genocide arose when a long running civil war in an ethnically divided society, with a majority Hutu and minority Tutsi population in conflict, escalated in 1994 and triggered a Hutu elite mobilization for the annihilation of the minority group. When the mainly Tutsi dominated Rwanda Patriotic Front came to power in the aftermath of the genocide, the mass punishment of perpetrators was made possible. A retrospective genocide law was passed in 1996, but with some 120,000 accused in detention, the legal system in what was already a weak state simply could not cope. The sheer scale of potential cases in Rwanda meant that to prosecute the suspects by normal legal measures would have taken more than one hundred years. The ICTR was established by the UN in 1994, and by 2015 just a small number (93) of the highest level suspects were arrested, detained and tried, of whom, 61 were convicted and 14 acquitted (for the cases see http://www.ictr.org). To deal with the case backlog in Rwanda itself a radical approach was taken. A special law of 2002 established a grassroots community justice system (the *gacaca* "courts") with minimal legal process (or protections) for judging the ordinary *genocidiares*. Some 12,000 such courts, involving hundreds of thousands of local participants, have judged and speedily convicted the low-level suspects, although the process has raised concerns about lack of due process and the role of revenge and score-settling. Rwanda is an illustrative case of how a new regime uses genocide, and key mechanisms of transitional justice (trials and truth narratives), for the goal of regime consolidation and social control.

Important developments in the prosecution and of the legal concept of genocide emerged from the ad hoc International Criminal Tribunals established to deal with the cases of Rwanda and Yugoslavia. Technically, the first head of government to be convicted of genocide was Pol Pot in 1979 (by a "revolutionary tribunal" of the Vietnam-backed Cambodian regime), though this was in absentia and he died before being brought to justice. The first head of government to be convicted and imprisoned for genocide is former Rwandan prime minister Jean Kambanda (1998), who pleaded guilty. In the case of Bosnia-Herzegovina high level Serbian officials were indicted by the ICTY for genocide or complicity to commit genocide, including the first sitting head of state, FRY president Slobodan Milosevic (2001). Bosnian Serb leader Radovan Karadzic was originally indicted for genocide in 1995, but was only arrested and put on trial in 2008, and his verdict is awaited after the trial concluded in 2014.

One of the brutal characteristics of the civil wars in Yugoslavia was the systematic use of rape against women. By the mid-1990s this type of rape was increasingly being analysed by legal scholarship and in UN reports on conflict within the lens of international legal instruments such as the Genocide Convention (Chinkin, 1994). The Akayezu decision by the ICTR in September 1998 illustrates some of the forwards-backwards contradictory legal development. This case established the precedent that in a context of mass violence systematic rape is an act of genocide when it is designed to "prevent births within a group" (ICTR, 1998). Equally, the ICTR compounded existing confusion over the definition of a protected group under the Convention by reaffirming a Soviet-influenced definition of "group". Based on its reading of the *travaux préparatoires* of the Genocide Convention, it pronounced that protection only extended to "stable" groups that are "constituted in a permanent fashion and membership of which is determined by birth, with the exclusion of the more 'mobile' groups which one joins through individual voluntary commitment, such as political and economic groups. Therefore, a common criterion in the four types of groups protected by the Genocide Convention is that membership in such groups would seem to be normally not challengeable by its members, who belong to it automatically, by birth, in a continuous and often irremediable manner." (ICTR, 1998). The court reaffirmed not only a

politicized reading of "group", but also a meaning that is archaic, and oblivious to the role of social construction in group identity.

The Krstic decision of the International Criminal Tribunal for the Former Yugoslavia in August 2001, concerning events in the UN designated "safe haven" of Srebenica in August 1995, established a link between ethnic cleansing, rape as a tool of war, and genocide. Bosnian Serb forces under General Ratko Mladić pressured the outnumbered UN and Bosnian Muslim forces to surrender. Many tens of thousands of Bosnian Muslim civilians and soldiers were taken prisoner under guarantees of safety, many were abused and raped, and at least seven thousand Bosnia Muslim males approximating to fighting age were separated out and subsequently murdered. By judging Srebenica to be an act of genocide the ICTY took up the recommendation of the Whitaker Report and established the precedent that the reference in the Genocide Convention to "in whole or in part" essentially meant instances when "the alleged perpetrator intended to destroy at least a substantial part of the protected group" (ICTY, 2001).

Arguably, the international adjudication on the genocidal aspects of the international and internal armed conflicts of the 1990s has been more backward looking than directional. On the one hand, the tribunals significantly expanded the definition of genocide by widening the interpretation of acts considered to fall under the intention to destroy the "group as such". On the other hand, they reaffirmed a politicized and restrictive understanding of "group" in evaluating who is protected by the Convention. The contemporary conceptualization of the act of genocide has also been strongly influenced by the much looser formulations of Lemkin of the 1930s, thus confusing the existential threat to a group with other forms of "barbarity" in warfare and armed conflict such as massacre and mass rape. The Rome Statute establishing the International Criminal Court (ICC) in 1998 did not develop the concept any further, merely incorporated the definitional part of the genocide convention verbatim in its Article 6. Illustrating some progress in international law since Nuremburg, the Statute did, however, establish genocide as the most serious of the crimes of concern to the international community under its jurisdiction (Rome Statute, 1998).

The politicization inherent in action to prevent genocide became more salient in the international community in the wake of the Yugoslav civil wars. There was a brief interlude

of flirtation in some Western states with the doctrine of "humanitarian intervention", the tenets of which were most succinctly stated by UK prime minister Tony Blair during the Kosovo crisis: "the principle of non-interference must be qualified in important respects. Acts of genocide can never be a purely internal matter" (Blair, 1999). Two recent cases involving claims of genocide illustrate many of the dilemmas of intervention and the problem of politicization and state interests: Kosovo and Darfur. President Clinton's framing of NATO's unilateral military intervention in Kosovo in 1999, subsequently approved by the UN, as an effort that "stopped deliberate, systematic efforts at ethnic cleansing and genocide" was made after the war ended, not before, and came in response to media pressure about the motives for the war (Clinton, 1999). Much controversy surrounds the motives for this intervention and whether the claim of genocide was employed by NATO states to legitimize a war pursued against Serbia's Milosevic regime for other political and strategic reasons. There have been no indictments at the ICTY for genocide in Kosovo. NATO's intervention may have been intended to stop a potential genocide against Kosovar Albanians, but it also allowed Albanian violent ethnic cleansing of the vast bulk of the Kosovar Serb population (some 200,000 people).

In the case of Sudan's Darfur region, the divisions in the international community over how to respond were even more starkly apparent. This was the first major test case for the efficacy of the newly appointed (in 2004) UN Special Adviser on the Prevention of Genocide. The first Special Adviser (2004-07), Juan E. Mendez, an internationally distinguished human rights and transitional justice advocate, struggled to have Darfur classified as genocide. The United Nations estimates that 300,000 people have died in a six-year internal armed conflict starting in 2003, the bulk through hunger and disease, and more than two million more have been displaced. A UN report on Darfur of 2005 found that the Sudanese government was not pursuing a policy of genocide, though war crimes were rampant in the conflict, and it recommended ICC prosecutions in this vein (United Nations, 2005). Several Sudanese leaders have been indicted by the ICC, including the first sitting head of state President Omar al-Bashir. Mr. al-Bashir was, in fact, charged in July 2008 with genocide and crimes against humanity, with the indictment alleging he orchestrated systematic killings, rape and deportation by Janjaweed militia groups against ethnic minorities. The ICC prosecutor, Luis Moreno-Ocampo, who was formerly an experienced prosecutor of military human rights abuses and war crimes in Argentina, declared that the main genocidal weapons in Sudan were "rape, hunger, fear" and " Al Bashir does not need gas chambers, bullets or machetes. This is

Genocide by attrition" (Moreno-Campo, 2008). The credibility of the ICC has been challenged, however, by the fact that presently only Africans have been indicted. In the case of Darfur many powerful states, including the US and China, have been reluctant to classify it as a case of genocide – for such a classification would require international intervention under the Convention. In addressing the "genocidal attrition" question, academic studies of Darfur are more nuanced. Prunier described the complex civil war and counterinsurgency in Darfur as an "ambiguous" or "quasi-genocide" (Prunier, 2005). In August 2009 the main regional organization, the African Union, rejected the genocide claims and declared that its member states would not enforce the ICC indictment and claims to jurisdiction.

Causes

A formidable problem in the study of genocide is to account for its very occurrence. For decades scholars have debated the causes and the motivations of the perpetrators. Today, most scholars reject as unsatisfactory accounts of genocide that attribute its cause to any single process or event trigger. Factors such as historic, racial, ethnic, and religious enmity between groups in a particular territory may provide a context where objective, structural conditions such as redistributions of power, a deteriorating economic situation, rising social inequalities, and sudden demographic changes may contribute to tensions between groups. But such group tensions have been historically and are today fairly ubiquitous and they do not deterministically lead to genocide. Given the ubiquity of group tensions across time, space and cultures, one might say that what is surprising is that the occurrence of genocide is relatively rare. This makes the predictive power of genocide scholarship poor, while claims of genocide and "genocide risk" tables and maps are highly politicised. The study of genocide stresses the role of catalysts and additional fomenting drivers in contexts of increased tensions and raised anxieties. Studies give prominence to the presence of charismatic leaders or "conflict entrepreneurs" who mobilize groups around exclusivist, racist ideologies, and who communicate a discourse and programmatic direction for mass inter-group violence. However, there is little agreement on why certain contexts or triggers turn mass violence into genocide in some cases and not others.

The two major perspectives in the study of genocide are the structural or functional approach, and the "intentionalist". The connection of genocide with modernity is, to be more precise, an association with the origins and development of the modern state. In this sense, modernity provides a structural explanation of its cause. For Baumann, there is an "elective affinity" between genocide and "modern civilization", which hinges on the organizational capacities of the modern bureaucratic state for social engineering (Baumann, 1989). The association of genocide with the state builds on the seminal work of Franz Neumann, and later Hannah Arendt, on the nature of the totalitarian state as a twentieth century phenomenon, with its capacity to draw on modern technology and communications for mass mobilization of society, and of the role of genocide and terror as part of its ideological logic (Neumann, 1942; Arendt, 1951). Twentieth century genocide, noted Fein, "is virtually always a state crime-- not a collective outburst, a riot or communal violence" (Fein, 2001). The state-of-the-art techniques and organizational mode of genocide thus become frames for understanding it. The Holocaust was characterized by systematized coercive channeling of targeted groups to conveyer belt mass murder, organized akin to an industrial *grand projet*. Austrian architects and German engineering firms constructed the "death factories", as Arendt termed the extermination camps, for maximum efficiency. Attempts by genocide scholars to theorize and develop typologies have not moved beyond the linkage of state and genocide. It is nearly always a totalitarian or authoritarian state that they have in mind, as linking democracy and genocide generally falls outside the paradigms employed by most. Fein, for instance, developed a typology of genocides in which she identified four types: ideological, retributive, developmental or despotic (Fein, 1990). Chalk and Jonassohn distinguished between those that seek to implement an ideology, eliminate a threat (real or perceived), acquire wealth, or spread terror, while also arguing for a much looser definition that included social and political groups (Chalk and Jonassohn, 1990). However, as we discuss below, these paradigms are challenged by the linking of Western colonialism and racism, democracy and nation-state building, and genocide.

The attempt to link genocide with nationalism has necessitated a further retraction into history. Mann fixes the relationship between genocide and the modern state in the nineteenth century, shifting the explanation away from an emphasis on the totalitarian state and the notion of the Holocaust as the ultimate form of genocide. He points to the role of nationalist and democratization ideologies that emerged largely in the middle of the nineteenth century

in generating organic conceptions of the nation and the state. Nationalism entwined the demos with the dominant ethnos, leading to forms of democratic nation state-building that, according to Mann, produced wholesale inter-group violence. This he termed the 'dark side of democracy' (Mann, 2005). Critiques of Mann argue that he has revealed the "dark side" of the nation-state not democracy, but this deflects from Mann's robust use of historical evidence to demonstrate the interdependent origins of exclusivist nationalist ideologies in democratic modern state-building, and of the role of this kind of ideologically motivated violence in the pre-totalitarian state era.

The relationship between genocide and modern state formation is retracted even further into history by Levene who argues that the earliest genocides occur in a small coterie of states at the forefront of the modern revolution in the sixteenth to eighteenth centuries – England (the conquest and settlement of Ireland and other colonies), revolutionary France (the repression of the Vendee revolt), and the USA (extermination of native Americans). Moreover, these genocides adhere to the same diverse forms as more recent genocides – with racial, ethnic, religious, and political factors playing a role. For Levene, genocide should be understood as an intrinsic part of the historical process of modernization. The birth of the modern state during the Age of Enlightenment occurred in tandem with the formation of the international system (its birth is generally dated to the Treaty of Westphalia of 1648). Geopolitical and economic competition between states in an increasingly internationalized context drove a race for modernization which impelled some states to target for genocide populations perceived to be threats or obstacles to their power. The success of the most advanced modernizing states – England, France, USA – was founded on genocide. This success had demonstration effects on other modernizing and colonizing powers for which genocide often became a response to uneven historical development. For Levene, modern genocides are most likely to occur in states undergoing a systemic crisis where the dominant ideology favours a radical and speedy modernizing social transformation (the collapse of the Ottoman Empire, Germany after World War One, Stalinist Russia in the 1930s) (Levene, 2005a, and 2005b). A mentality of betrayal by a targeted group is a powerful undercurrent in such crises: the "stab in the back" by Jews in Germany in 1918–19; the "kulaks' grain strike" in 1927-8; the Armenians as an "enemy within" in 1915; the Tutsi insurgency against Rwanda in 1994.

For classic studies of genocide, however, such as those by Kuper and others, the focus on modernity and the state as the key factors of causation is too restrictive. As Kuper's famous aphorism about genocide put it: "the word is new, the crime ancient" (Kuper, 1981). Kuper argued that the essential structural base for genocide is the plural society based on persistent and pervasive cleavages between its segments. Such societies have a variety of synonyms: deeply divided societies, communally fragmented societies, multi-ethnic societies, composite societies, segmented societies and internally colonized societies, and so on. The strong historical correlation between genocidal conflicts and plural societies (as for example in India on partition, or in Bangladesh, or in Rwanda and Burundi) suggested a symbiotic relationship. This is not to say that genocide is inevitable in plural societies, as their history shows otherwise, but only that the presence of a diversity of racial, ethnic and/or religious groups that are politically, economically, socially and/or culturally distinct, organized and competing as segments, offers the necessary conditions for domestic genocide. In extremis the plural society is characterized by systemic inequalities, discrimination and segregation. Such societies are often polarized into dominant and subordinate groups, with rigidity in power distribution that reflects the group inequality. Conflict tends to follow the lines of cleavage and inequality, generating zero-sum politics, where grievances can be generalized into identity politics and systemic challenges. These structural conditions are likely to be conducive to genocidal conflict because they facilitate the framing of resent and scapegoats, directing mass violence against collectivities and allowing whole communities of the "enemy" group or "other" to be targeted for annihilation.

The "intentionalist" studies stress the role of radical, fundamentalist, usually Apocalyptic, ideologies in fomenting genocide. Intent must be organized and systematic, not an individual spontaneous epiphenomenon. Attributing intention to destroy whole groups of people is highly dangerous as it can itself result in crude stereotyping. For Semelin, ideologies of genocidal intent are concerned with 'identity, purity and security' (Semelin, 2007). These are, in essence, ideologies of racial superiority based on the construction of "us vs them" antagonistic relationships between groups, notions of insiders and outsiders, with destructive paranoid fantasies of mass violence and conspiracy theories framing the "other" as "enemies within". Developments in the arts and sciences in the late nineteenth and early twentieth centuries – Darwinism and eugenics, research on disease and its causes (vermin, contamination, bacteria and bacilli), and the concern with "national character" in European historiography –coincided with the rise of nationalist ideologies that stressed the organic

concept of the state, people, culture and territory. Stone refers to this phenomenon as "biopower" (Stone, 2008). This was also an era of mass epidemics in the growing urban centers. The obsession within racist ideologies on finding scapegoats, the excessive valuing of ethnic authenticity and purity, denouncing "mixing" and defending against contamination from "outsiders" to the group resonated with society-wide phobias. But it would be a mistake to connect the dehumanizing frames inherent in genocide to one historical era. Dehumanization, whatever the time or context, necessitates the use of non-human ascriptive labels: Nazi extermination of Jewish "vermin", Soviet "liquidation" of "kulak spiders", Pol Pot's crushing of "worms", the Hutu killing of "cockroaches".

History suggests that it is not only structure or a crisis/war time context that is important for the occurrence of genocide but also that charismatic leadership is pivotal. For some it is so pivotal that the crime is named for the leader: "Hitler's Holocaust", "Stalin's Great terror". For genocide is not only infused with Apocalyptic fears but is orchestrated by a Messianic design for the remaking of society, the state, and the wider world whatever the costs. The impetus may come from intellectual leaders – Cato's constant plea for Rome to destroy its strategic enemy Carthage ("*Carthago delenda est*"), Gokälp's romanticizing of the Anatolian Turks as an authentic core ethnie for national regeneration; it may involve a leader deluded by a "divine mission" to transform the nation – Cromwell, Hitler; and revolutionary leaders bent on rapid social transformation – Stalin's "Year of the Great Turn", Pol Pot's "Year Zero"; or it may simply reflect a broader elite's racism and strategic anxieties and ambitions, as in US elites' framing of native Americans as a group as an obstacle to the "Divine Providence" and "Manifest Destiny" of US expansionism in the early 19th century.

Mass society has also its role to play. The logistics of organizing the deportation to extermination camps of some six million Jews, one million Sinti and Roma, and hundreds of thousands of other targeted groups (homosexuals, communists, trade unionists) by the Nazis between 1939 and 1945 required societal involvement on an immense scale. The genocide of the Jews in Eastern Europe also in many cases was characterised by barbaric personalized killing (especially in Latvia, Poland, Belorussia and Ukraine) not dissimilar to the immediacy of the machete-wielding goriness of the Rwanda genocide of 1994. The study of process allows us to differentiate between forms of participation, violence and barbarity that precede

or precipitate genocide, and genocide proper. It is the mass of "ordinary" citizens who become engaged. This may generally involve assisting the state with the process of identification, exclusion, dehumanization, and ultimately extermination. Studies of the participatory process vary in how they locate mass participants, but the driving questions have a tendency to stereotype and simplify categories. To what extent are they "bystanders" or "perpetrators"? (Hilberg, 1993). Can we identify the violent elite of "willing executioners" and who are they? (Goldhagen, 1996). In reality intentions and levels of participation can be blurry. Even in a relatively undeveloped rural society like Rwanda, forms of modern technology (in this case, radio) can facilitate a genocidal mass mobilization (Prunier, 1995). Equally, we should not overlook the role of envy, resentment and greed in grassroots genocide, as Gross's study of the murder of the Jews of Jedwabne by their Polish neighbours in 1941 reminds us (Gross, 2001). Sometimes, as in Nazi Germany, most citizens will be insulated by one or more removes from the actual killing, but may still be enthusiasts. Rwanda was a case of mass killing by the masses. Although separated by fifty years and a huge disjuncture in levels of modernity, the kill rate in pre-modern Rwanda also significantly exceeded that of the peak period in the Nazi's industrial extermination process (estimates indicate 500,000-800,000 Rwandan Tutsi were murdered over three and a half months in April-July 1994, compared with some 400,000 Hungarian Jews murdered at Auschwitz in April-June 1944). Modern forms of mass communication provide an immediate translation of leadership ideology to mass society, a facilitation of command and control of the process, and a capacity for the instantaneous repetition of propaganda for emulation, that are among the most distinctive features of genocides in the twentieth century. By the late twentieth century technological advances in mass communications have become not only a significant part of the causation of genocide but are also critical to its disclosure, if not prevention and punishment, through the publicity of mass media (for example, in the Balkans, Rwanda and Darfur), and the use of technology to internationally track, detain and forensically build a trial case against suspected perpetrators.

But how far can we plausibly pursue historical retraction in the study of genocide? By the modern criteria of what constitutes genocide, there is no logical reason to determine it as a modern phenomenon. Baumann, Arendt, Mann and Levene, and others, offer us good grounds for understanding why genocides occurred in the particular historical eras that concern them. There may be no particular relationship between genocide and the twentieth

century, but equally, as Kuper reminds us, there is no logical reason for the modern definitions to exclude cases from the pre-Modern, or even ancient era (for example, Mongol massacres across Eurasia in the Thirteenth and Fourteenth centuries, Caesar's destruction of "barbaric" Gallic civilization, the Roman Republic's destruction of Carthage). The lessons from the distant past remain of value. After all, Thucydides' *Melian Dialogue* concerning the Athenian Empire's genocidal annihilation of Melos in 416 B.C. – a case not unlike Srebenica - frequently features in modern US and UK military officer training on war crimes and genocide. This reminds us that genocide is a recurrent feature of war. To be precise, genocide characterizes those wars where the "laws and norms" of war have been refuted by one or other party. The decision to deny an opponent in a conflict (whether inter-state war or internal armed conflict) the legitimacy and protections afforded by the laws and norms of war is generally a strategic decision that is operationalised tactically at low levels, and is one that is often configured by racism and/or religious zeal. Such behaviour is nearly always reciprocated by other parties to a conflict as is evident on a grand scale from the responses to Hitler's direction of a race war against Slavs on the Eastern Front, and Japanese genocidal acts in South-East Asia. There are numerous historical cases of anticolonial resistance, guerrilla wars and insurgencies where states refused to recognize armed resistance as being worthy of the protections of the laws and norms of war. That lack of recognition, the delegitimising and demonising of opponents, tends to result in non-compliance with the combatant-non-combatant distinction in the use of force, thus leading to war crimes and indiscriminate civilian casualties. The decision can also arise, however, from tactical responses to resistance, military frustrations, and opportunities for rape and plunder. History provides numerous examples of cities reduced in this manner (the British Army's sacking of Badajoz in 1812; the Japanese Army's "Rape of Nanking" in 1937; the Wehrmacht's obliteration of the Warsaw Uprising in 1944; the Russian military assault and destruction of Grozny by aerial bombing in late 1994-early 1995, and many others).

The relationship between military culture and genocide has been most extensively studied in the case of Germany, as if the Clausewitzian idea of "total war" was uniquely German. The German Empire's displacement and extermination of the Herero and Nama peoples at the beginning of the twentieth century (1904-07) in what is today Namibia is often presented as the "first" modern genocide. Hull locates the intentionality for "absolute destruction" (genocide in this case) within the "developmental logic" of German military culture which

encouraged a doctrinal fixation on a strategy of "annihilation" and the overriding "military necessity" to achieve victory at all costs through extreme solutions. The doctrine laid the foundations of what became "total war" in World War two: rapid and unrestrained action against an enemy, without distinction of civilians or soldiers, including a repertoire of savagery—of laying waste, reprisals, summary justice, mass killings, and even genocide (Hull, 2005). Not for the first time, however, a people were annihilated less by direct killings than by forced starvation and neglect in concentration camps.

But, how distinctively brutal was German military culture? Parallels could be drawn with other contemporaneous episodes of systematic mass killing by militaries, such as the US's repression of the Philippines rebellion (1899-1902). There was certainly murderous neglect by the British military and civil authorities of Boer civilians who died by the tens of thousands in concentration camps during the "Boer War" (1900-02). Race is an obvious vital point of distinction in explaining the different levels of barbarity or restraint and deathly outcomes. The Herero and Nama were black. The US pursued a colonial "race war" where Filipinnos were generally dehumanized akin to blacks and native Americans in the US proper (Kramer, 2006). The US military's savagery in crushing resistance in the Philippines differed little from the German military except that the scale was greater – some half a million war casualties, and perhaps as many again perished through disease and neglect. Moroever, US military policy had direct antecedents in the genocidal campaigns against native American peoples. In contrast, the comparative British restraint during the Boer war was rather exceptional, and can be attributed to the fact that the Boers were white descendants of Europeans. Distinguishing a brutal exceptionalism in German military culture is myopic. The idea of "total war" may have been first coherently theorised in Germany, but it is inherent in modern ideas about warfare. Truman referred to the two Atom bombs dropped on Japan as a "rain of ruin", and there is no doubt that more would have been used as soon as constructed in order to bring about the capitulation of Japan. Does this indicate genocidal "intention" by the US. Almost certainly it does, since this class of weapon is by the very nature of its effects genocidal. There is no more "total" war, than atomic or nuclear war.

Military culture and behaviour can be more appropriately disaggregated into forms which generally accept the laws and norms of war, and those which do not. Military practices

developed by the colonial powers to combat anticolonial resistance in the nineteenth and early twentieth centuries – concentration camps for whole populations, relocation and displacement of peoples, land seizures, all punctuated by massacres and occasionally genocide, fall into the latter category. This bifurcation of military culture continued to be evident in the military repertoire of what was later in the twentieth century termed "counterinsurgency". The racism and brutality of British military policy against the Mau-Mau rebellion in Kenya and the Chinese communist insurgency in Malaya, French policy against the Algerian revolt, and later US policy in Vietnam built on lessons learned in the nineteenth century. A similar pattern is evident also in another great European colonial power, Russia. It is unsurprising that Russian military vehicles in the military campaigns in Chechnya in 1994-6 and 1999-2004 often bore the legend "Ermolov", for General Ermolov's genocidal campaigns against the people's of the North Caucasus in the 1820s fit well within the overall pattern of practices of military conquest established by other European colonial powers.

The evolution of a culture of non-restraint and non-discrimination in German military doctrine undoubtedly contributed to German complicity in the Armenian genocide in 1914-18 in which at least one million Armenians were murdered, starved or died from neglect and forced marches in a campaign of deportation and extermination pursued by the Ittihadist Turkish military regime determined to build an exclusivist Turkish nation out of the collapsing Ottoman Empire. Turkey's refusal to recognise the Armenian genocide is perhaps the most illustrative, but far from being the only one, where a state enforced collective amnesia, censorship and self-censorship, surrounds genocide. States rarely promote a historical narrative of their genesis and development that throws light on genocidal episodes. Post-World War Two Germany is a notable exception to this rule, as the study of the Holocaust features prominently in the educational curriculum from an early age, and the German state has made immense efforts to compensate and commemorate victims. In sharp contrast, other European colonial powers, notably Britain, France, Spain, Portugal and Netherlands, or the USA, have yet to undergo a *vergangheitsbewaltigung* (actively coming to terms with the past) as pervasive as that of post-war Germany. In February 2008 Australian Prime Minster Kevin Rudd made an official apology to the indigenous peoples of Australia for "past mistreatment" setting in motion a process of reparation. However, while admitting that forcible transfer of children from one group to another had occurred there was no recognition that this was genocide under Article II of the Convention (Australia, 2008). In the

case of Turkey, however, the censoring of the past has reached heights where not only careers are threatened but prosecution, forced exile, and murder face those who recognize the Armenian genocide. Conscious of the shame attached to the term genocide, successive Turkish governments have pressured foreign states, including the USA and many European states, into using alternative terminology such as the "tragic events of 1915" to disguise the genocide. The use of euphemisms and metaphors by perpetrators to cloak genocide is not uncommon, and to some extent could be understood as reflecting shame. The minutes of the Wannsee Conference of 1942, where the Nazis organized the "Final Solution" to the "Jewish Question, referred to "emigration" and "transportation" to the East. Stalin spoke of the "liquidation of the Kulaks as a class" . British Bomber Command labeled its mass killing of German civilians through area bombing in World War Two as "dehousing".

 The discussion of the causation of genocide so far has largely focused on the question of threat perception, or what Realists term the "security dilemma" – whether and how states or dominant ethnie (and they could be majorities or minorities) perceive other groups to be a threat that requires the mass physical extermination of that group. The threat is generally claimed to be one that is posed to a state-building project, and by extrapolation to the geopolitical power of a state vis-à-vis other states. These are interdependent existential threats. The state-building group fears that the purity and power of its state is threatened by the presence of a hostile group, to which the answer is to annihilate that group. Focusing on this formula, with the state as the unit of analysis, overlooks other significant dynamics and rationale for genocide. The threat perception may also be ethnic, cultural, or religious and assume transnational forms. The emergence of a transnational "globalized" form of Islamist extremism since the mid 1990s, as most clearly articulated by the militant Salafism of Al Qaeda, has employed claims of "massacres" against Muslims in diverse places including Lebanon, Bosnia-Herzegovina, Chechnya, Kashmir, Somalia, Burma et al. to legitimize an armed struggle against the "Judeo-Christian alliance" of the USA, Israel, and the "West" (Bin Laden, 1996).

The materialist rationale for genocide might be often quite narrow and explicit – land greed, conquest and forced seizure, and settler colonialism. Recent scholarship on genocide has more systematically and rigorously analysed and highlighted Lemkin's interest in the

connection between genocide and colonialism (Moses, 2008). A persuasive case has been made for the colonial "land grabbing" origins of the modern conception of genocide. A pattern of genocide has emerged historically in places where land greed has become infused with religious bigotry, and where the racist and religious ideologies of coercive colonial conquest combine with settler colonialism (Kiernan, 2007). European philosophers have debated since the Sixteenth century on the morality of colonial occupation and barbarism, including the physical and "cultural" genocides of indigenous societies versus their rights – all conducted under the rubric of the *mission civilisatrice* (Fitzmaurice, 2008). Historically, settler colonists and the settler colonial mentality of forced acquisition, have been the driving forces for the dehumanization and displacement of peoples, the logical conclusion of which is genocide. The interaction of religion and the interests of settler colonialists is most illuminating when the core elements of both are the basis for an overriding state ideology as in the US ideology of "Providence" and later "Manifest destiny", and the Zionist Biblically-rooted claims to Palestine. In these and other cases genocidal massacres were employed as a terrorizing land clearing device. While state leaderships have often attempted to disguise the motivations of racism and religious bigotry within the more legitimate ideological wrappings of security or national interests, it is generally only the exceptionally fanatical leader who openly expresses clarity of genocidal intent. Cromwell saw his massacres of the Irish as a "judgement of God" on "Papists" that would force them "to Connaught or Hell". Hitler's demand for "living space" (*lebensraum*) for Germany in the East was also intended to obliterate "Jewish Bolshevization". Yet, even great democrats can articulate deeply genocidal instincts. How different the Jefferson Memorial would look if it inscribed his damnation of the native Americans: "to pursue them to extermination". To be fair to Jefferson, this and a few comments of similar ilk were made in the aftermath of massacres of settlers by native Americans, and unlike many of his contemporaries, Jefferson recognized that genocide was part of the "Anglo" culture of colonial occupation, from Ireland to Asia. For some scholars, ethnic competition for land was a factor in the Rwanda genocide, as it is in Darfur. A sole focus on threat perception and security dilemmas, however, distracts us from the role of state ambitions and material interests. Elites may exaggerate a threat and thereby provide a discourse to legitimize acts which may, in fact, have an ulterior motive, whether it is the pursuit of material interests – seizing and colonizing lands from another group; or imposing ideological hegemony – as in racial purity, or counter communism.

Conclusion

Theoretical and explanatory frameworks for understanding genocide are weak both as regards the looseness of definitions and determining its causes. Examining the main genocides of the modern era – say since the French Revolution – reveals a diverse list of states from all regions of the world, representing all cultures, all ideological trends, rich and poor, and all regime types from democracies, to empires, authoritarian and totalitarian states. There is much of merit in the observation that genocidal states/societies have been the ones with the greatest complexes about security and position internationally, and political and cultural coherence internally. A focus on wars and other crisis contingencies, and leaderships who articulate this anger and resentment by seeking a radical transformation of domestic politics and foreign policies, is important but not sufficient to explain genocide. Observing the social contexts in which genocide occurs appears to confirm Kuper's pointing to the segmented composition of societies as the structural foundation for genocide. However, most societies are structured pluralistically, and most have no experience of genocide. So the question remains what makes some societies genocidal and others not? Much of the scholarship on genocide, generated from the US and informed by liberal norms, is overly focused on the relationship between genocide and twentieth century totalitarian and authoritarian states. As Kuper, Mann and others have argued, genocide affects all historical periods and regimes, including democracies. If we further take into account the role of state strategic ambitions, ideological and material interests, racism, imperialism and settler colonialism, and forms of inequality and group competition we come closer to explaining why state/societal resentments against specific groups can turn genocidal. Ideologies of racial superiority that are connected to power and territory, in particular, however explicit or implicit, are likely to be an important motivation and justification for genocide.

There may be a "banality of evil", as Arendt put it, in the conduct of genocide, however, genocide is not a product of banality but of extraordinary political, economic and social conditions. What genocide studies have proven unable to do is to provide a general model which would allow us to forecast when state anxieties and societal antagonisms reach the threshold of toxicity where they unleash genocide.

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